

## *REMARKS*

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 1-17 are now present in this application. Claims 1, 12 and 14 are independent.

Amendments have been made to the specification, claims 16 and 17 have been added, and claims 1, 2 and 4-15 have been amended. Reconsideration of this application, as amended, is respectfully requested.

### *I. Priority Under 35 U.S.C. § 119*

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

### *II. Drawings*

Applicants have not received a Notice of Draftsperson's Patent Drawing Review PTO-948 indicating whether or not the formal drawings have been approved by the Draftsperson. Clarification in the next Office Action is respectfully requested.

### *III. Objection to the Drawings*

The Examiner has objected to the drawings, stating that Figs. 1 and 2A-2D should be labeled with a legend such as --PRIOR ART--.

In order to overcome this objection, Applicants are concurrently submitting Replacement Sheets of drawings for the Examiner's approval, which include the label "Related Art". Applicants submit that the label "Related Art" meets the criteria of MPEP § 608.02(g) and is sufficient to distinguish Applicants' invention from that which is not Applicants' invention. Additional changes have been made to place the drawings in better form. Accordingly, reconsideration and withdrawal of this objection are respectfully requested.

### *IV. Specification Amendments*

Applicants have amended the specification in order to place the specification in better form.

### *V. Claim Amendments*

Applicants have amended the claims in order to correct minor typographical errors, and to place the claims in better form. The claim amendments are not being made in response to any statutory requirement for

patentability, and have not been narrowed in scope. Instead, the claims have been amended merely to recite the subject matter therein more clearly.

#### *VI. Rejections under 35 U.S.C. § 103*

Claims 1-11, 14 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Related Art shown in Figures 1 and 2A-2D of the present application in view of Kapadia. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

At the outset, no admission has been made by Applicants that Figures 1 and 2A-2D qualify as statutory prior art usable in a rejection of the claims of the present application. Instead, Applicant has described and labeled Figures 1 and 2A-2D as "Related Art" to distinguish Applicant's invention from that which is not Applicant's invention.

In addition, while not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that independent claim 1 has been amended to recite a combination of elements in a valve plate structure including a valve plate including a groove section having a plurality of continuous grooves provided to each surround at least a majority of the outside of the suction port or the discharge port. Similarly, independent claim 14 has been amended to recite a

combination of elements in a valve plate structure including a valve plate including a groove section having a plurality of continuous grooves provided to each surround at least a majority of the outside of the suction port or the discharge port. Applicants respectfully submit that the combinations of elements as set forth in independent claims 1 and 14 are not disclosed or made obvious by the art of record, including the Related Art shown in Figures 1 and 2A-2D of the present application and Kapadia.

The Examiner states that Kapadia shows a plurality of cavities 18 surrounding the port 16.

Applicants respectfully submit that the plurality of cavities 18 of Kapadia do not comprise "a plurality of continuous grooves provided to each surround at least a majority of the outside of the suction port or the discharge port" as amended. Instead, each cavity 18 of Kapadia only surrounds approximately 2% of the port (as shown in Fig. 2, the twenty-two cavities 18 collectively surround approximately 44% of the port 16). The claims, as amended, recite "a plurality of continuous grooves", and that "each" groove surrounds "a majority" of the outside of the port. Such a combination of elements is not taught by Kapadia.

Applicants respectfully submit that the combinations of elements as set forth in independent claims 1 and 14 are not disclosed or made obvious by the art of record, including the Related Art shown in Figures 1 and 2A-2D of the

present application and Kapadia, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 2-11 and 15 Applicants submit that these claims depend, either directly or indirectly, from independent claims 1 or 14 which are allowable for the reasons set forth above, and therefore claims 2-11 and 15 are allowable based on their dependence from claim 1 or 14, as well as for the additional limitations set forth therein. Reconsideration and allowance thereof are respectfully requested.

*VII. Allowable Subject Matter*

The Examiner states that claims 12 and 13 are allowed. Applicants thank the Examiner for the early indication of allowable subject matter in this application

*VIII. Claims 16 and 17*

Claims 16 and 17 have been added for the Examiner's consideration. Applicants submit that claims 16 and 17 depend from independent claims 1 and 14, respectively, and are therefore allowable based on their dependence from claims which are believed to be allowable. In addition, claims 16 and 17 recite further limitations which are not disclosed or made obvious by the applied prior

art references.

Consideration and allowance of claims 16 and 17 are respectfully requested.

#### *IX. Additional Cited References*

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.

#### *X. Conclusion*

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

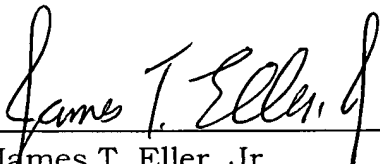
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone James T. Eller, Jr., Registration No. 39,538, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By:   
James T. Eller, Jr.  
Reg. No.: 39,538

*JTE:mmi:sld*

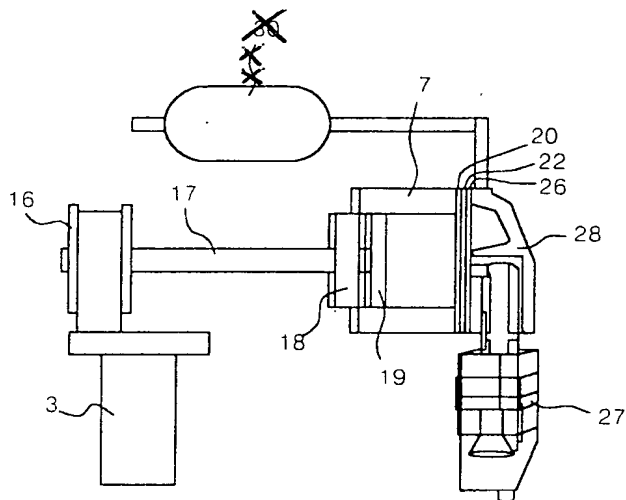
P.O. Box 747  
Falls Church, Virginia 22040-0747  
Telephone: (703) 205-8000

Attachments: Replacement Sheets  
Annotated Marked-up Drawings



# Annotated Marked-up Drawings

FIG. 1



RELATED ART

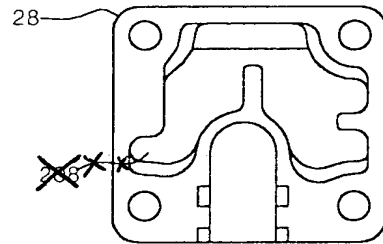
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10/17/03





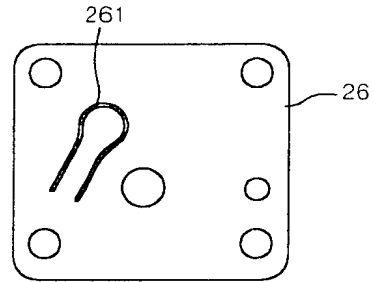
# Annotated Marked-up Drawings

FIG. 2A



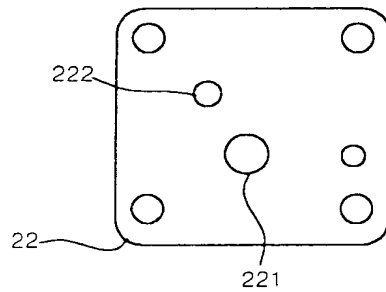
RELATED  
ART

FIG. 2B



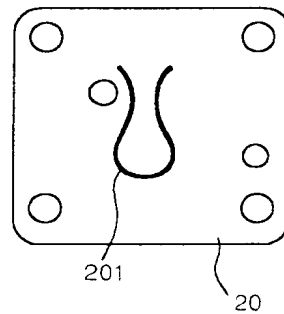
RELATED  
ART

FIG. 2C



RELATED  
ART

FIG. 2D



RELATED  
ART

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10/17/03



# Annotated Marked-up Drawings

FIG. 3A

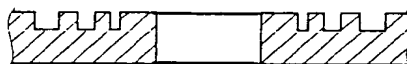
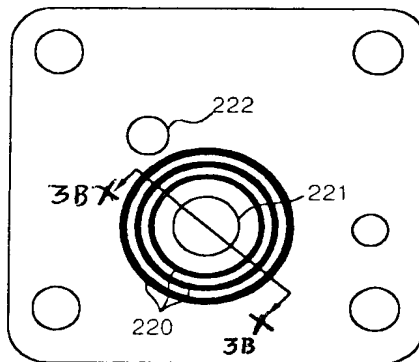
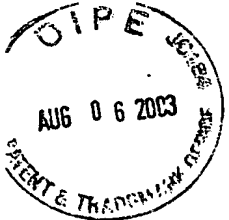


FIG. 3B

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10/17/03



Annotated Marked-up Drawings

FIG. 4

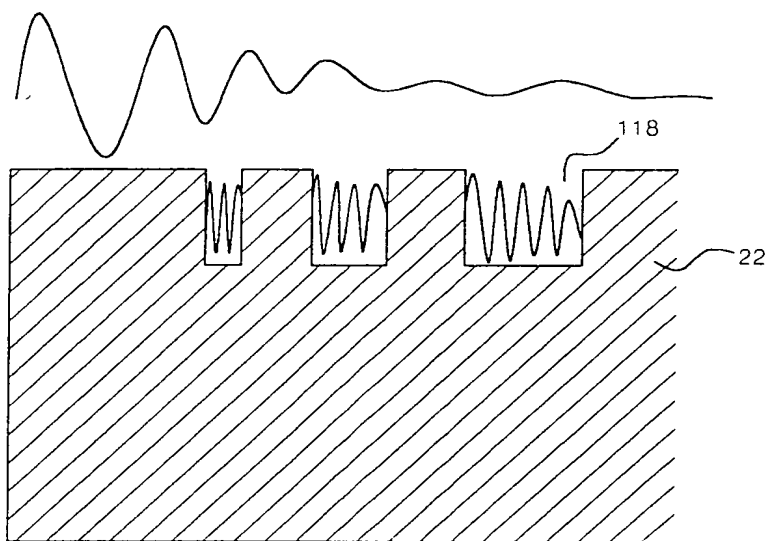
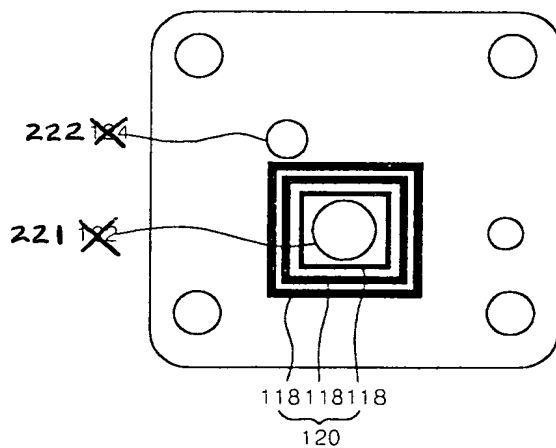


FIG. 5



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Annotated Marked-up Drawings

FIG. 10A

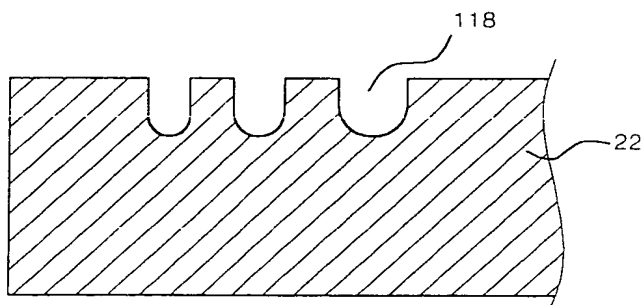
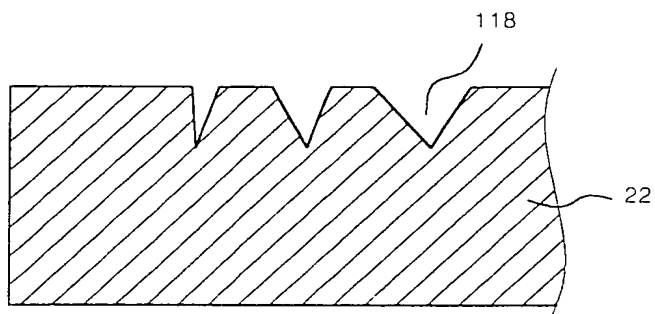


FIG. 10B

Approved  
RK  
10/17/03